

In re: Timothy M. Crowder  
Application No. 10/606,678  
Filed: June 26, 2003  
Page 10 of 11

### REMARKS

This Amendment is submitted in reply to the Official Action mailed March 4, 2005 ("the Action"). Applicants elected to prosecute the method claims (the Group I, Claims 1-28 and 65-71) as identified in the Restriction Requirement dated December 7, 2004. The Group I claims included method Claims 65-71, which are directed to a non-elected species. Applicants have canceled Claims 65-71, the non-elected system claims, Claims 29-54, 72, 73, 75 and 76, and the non-elected computer program claims (Claims 55-64, previously canceled) without prejudice thereto, for pursuit in a future divisional application(s). Thus, method Claims 1-28 and 74 (and new method claims 77-95) are pending in the application.

#### I. The Interview

Applicants acknowledge with appreciation the Examiner's courtesy and attention in an Interview at the USPTO on April 5, 2005, between Examiner Tran, Dr. Timothy Crowder, and the undersigned. During the Interview, Applicants discussed the vibratory signal used to meter doses of dry powder. Applicants discussed the cited prior art, U.S. Patent No. 6,296,152 ("Semenenko"), U.S. Patent No. 6,805,175 ("Pinkas") and U.S. Patent No. 6,488,181 ("Schuller"). Applicants also discussed proposed claim amendments regarding the vibratory input signal comprising a carrier signal modulated by selected frequencies to promote improved repeatability and/or fluidization of the dry powder. Dr. Crowder also provided a summary of flow results using a carrier frequency modulated by dry powder specific flow characteristic frequencies.

#### II. The Antecedent Basis Objection

The Action rejects Claims 19 and 20 because the term "gas flow path" lacks antecedent basis. Claim 1 has been amended to provide the antecedent basis. As such, Applicants respectfully submit that the claim rejections are obviated.

In re: Timothy M. Crowder  
Application No. 10/606,678  
Filed: June 26, 2003  
Page 11 of 11

### III. The Cited Prior Art

As discussed in the Interview, Applicants respectfully submit that the claims are patentable over the cited prior art as none of the cited prior art teaches, *inter alia*, the claimed vibratory signal.

### IV. The New Claims

Applicants have added new Claims 77-94 to form a more complete claim set for the application. Applicants respectfully submit that the claims are supported by the specification (*see, e.g.*, pp. 16, 17, 32, and 33). Entry and consideration of the claims is requested.

### V. Conclusion

Applicants respectfully submit that this application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned if any issues are outstanding to expedite allowance of the instant application.

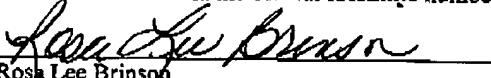
Respectfully submitted,

  
Julie H. Richardson  
Registration No. 40,142

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

#### CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 703-872-9306 on April 11, 2005.

  
Rosa Lee Brinson